

FARMINGTON CITY COUNCIL MEETING

February 7, 2017

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Cory Ritz and Brett Anderson; City Manager Dave Millheim, City Recorder Holly Gadd.

Brigham Mellor was excused.

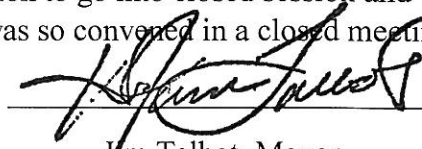
CLOSED SESSION

Motion:

At 6:05 p.m., **John Bilton** made a motion to go into a closed meeting for purpose of litigation. **Cory Ritz** seconded the motion which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



Jim Talbot, Mayor

Motion:

At 7:08 p.m., a motion to reconvene into an open meeting was made by **Doug Anderson**. The motion was seconded by **Cory Ritz** which was unanimously approved.

REGULAR SESSION

Present: Mayor Jim Talbot, Councilmembers John Bilton, Cory Ritz and Brett Anderson; City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, City Parks and Recreation Director Neil Miller, Parks and Recreation Staff Member Dailee Gardner, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden.

Council Members Brigham Mellor and Doug Anderson were excused.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by **Mayor Jim Talbot** and the Pledge of Allegiance was led by **Hannah Palomares** of Girl Scout Troop 2106.

Parks and Recreation Gym Usage Report

This item was originally slated for the Work Session, but was brought forward to the Regular Session due to time constraints.

Neil Miller provided an update regarding the new gym. He indicated that his staff are still working on a few problems, including heating issues in the office, but that most major problems have been addressed with a few things that will be fixed in spring. Parks and Recreation staff member, **Dailee Gardner**, reviewed the activity usage, admission sales, memberships, and reservations. In September, most usage was basketball. In October, use of the running track and pickleball increased. For November about half of the usage was basketball, with an increase in pickleball come December. These later months also had an increase in track usage. Staff are receiving positive feedback regarding the track, basketball, and volleyball courts and equipment. Suggestions have been made about improving pickleball operations. Parks and Recreation staff also host table tennis on Friday nights. The Gym software is currently being updated so January usage statistics will be presented later.

Dailee Gardner indicated that the gym is busy during its open hours, with 10 a.m. to 11 a.m. having slightly less usage. The gym is currently closed from 11 a.m. to 3 p.m. This was by design so that the Parks and Recreation staff could stretch the hours in response to demand, rather than having to cut back or close more often because of a lack of usage.

Competition and Club volleyball and basketball are making (and keeping) reservations and have found reserving a court to be valuable. The charts presented did not include adult programs, just daily admissions. Jr. Jazz participation was also excluded. The Jr. Jazz program has 1100 participants; with six courts and 4-5 games at one time, and parents and grandparents as spectators, this can mean that there are around 300 people on a Tuesday, Wednesday or Thursday night.

Dave Millheim, City Manager, emphasized that the City purposely did a soft opening and set the rates to encourage residents to make use of the gym. The General Fund is still subsidizing operations. The City hopes to see usage of the gym at a level that will support its operations while keeping rates reasonable.

Councilmember **Cory Ritz** asked if there has been any EMS response to injury or other emergency at the gym. **Neil Miller** indicate that to date, there had not been any incidents requiring an EMS response.

The Council suggested signage to help with traffic flow on the track (walking/running limited to inside or outside lane). **Mayor Jim Talbot** would like to see reports and further tracking regarding requests for equipment (ellipticals, weights, etc.).

PUBLIC HEARINGS

Adamson Property Rezone Application

This public hearing relates to a rezone of 1.22 acres of property located at 42 North 650 West.

Eric Anderson, City Planner, presented the staff report indicating that the applicant wants to put a sign on the building and door of the property. This requires a rezoning for a commercial use and it is recommended that it be rezoned TMU. Its current office use has been grandfathered in as a legally non-conforming use; rezoning the property will make it legally conforming. Staff is in favor of the rezone. MonuMetric has been good for the city of Farmington.

Scott Adamson, of 940 East Windsor Lane, Bountiful, Utah, testified as the property owner. He indicated that MonuMetric is pleased to be in Farmington and currently employs 40 full-time employees, all of whom are college graduates. The company anticipates growing by 40 percent in the current fiscal year. Current space would allow for 120 employees maximum so MonuMetric may seek additional property within Farmington City to accommodate future growth.

MonuMetric is not open to the public, and people often confuse the building with Farmington Parks and Recreation. **Adamson** hopes that the signs will resolve that issue. The signs will have some backlighting, but no fluorescents.

Mayor Jim Talbot opened the public hearing, but with no one signed up to address the Council on the issue, Mayor Talbot closed the public hearing at 7:45 p.m.

Mayor Jim Talbot noted that the Planning Commission approved the rezone unanimously.

Dave Millheim clarified that the Council is approving the rezone now, and that the signage would not come before the Council as the application indicates that the applicant must comply with the Sign Ordinance.

Motion:

Councilmember John Bilton moved to approve the zone map amendment of 1.22 acres of property located at 42 North 650 West from A (Agricultural) to TMU (Transit Mixed Use) as identified on the attached map, subject to all applicable Farmington City ordinances and development standards and the following condition: the applicant must comply with the Sign Ordinance as found in Title 15 and follow the proposed renderings attached (to the application).

Councilmember Cory Ritz seconded the motion. The Rezone Application was approved unanimously.

Findings for Approval:

1. The proposed rezone is consistent with the general plan.
2. The proposed rezone is consistent with the surrounding properties and neighborhoods.
3. The use that is already in place is legally non-conforming; rezoning the property will make it legally conforming.

4. The applicant is not expanding on their use or adding on to their building, they are only seeking to place one sign each on the side and front of their building.
5. The use that is already in place is necessary and desirable as it supplies the community with jobs and it meets the intent of Chapter 18 of the Zoning Ordinance.
6. Only those areas in close proximity and good pedestrian access to the commuter rail stop are zoned TMU; the subject property is consistent with these characteristics.

Call Property Rezone

This public hearing relates to a rezone of .96 acres of property located at 1875 North 1075 West.

Eric Anderson presented the staff report regarding the rezone. The property in question was formerly UDOT surplus property that was obtained by Dr. Call via a quitclaim deed. Dr. Call would like to add a dentist office to the property and is requesting a rezone from A and LR to NMU. This fits with neighborhood and adjacent properties. As part of the general plan the property is zoned as NMU, but current zoning is related to US 89 Right of Way. He further noted the Planning Commission has unanimously approved the rezone.

Councilmember Brett Anderson asked for clarification regarding the timing of the zone change as it relates to the property owner presenting a site plan. **Eric Anderson** noted that in the past the zone change has been contingent on the site plan. **Dave Millheim** added that the Council may be concerned about what could be perceived as contract zoning. The council should evaluate whether the property makes sense to be rezoned NMU. The City Attorney has advised staff to be careful about tying zoning to the use.

Mayor Jim Talbot asked about the possibility of adding a sunset clause to the zoning. **Eric Anderson** clarified that once a property is rezoned it is permanent as downzoning is considered a taking. If the Council is not comfortable they have the right to rezone the property at a later date.

Brian Call, residing at 1013 Loma Drive, Kaysville, Utah, testified that he is currently practicing dentistry in Kaysville and has outgrown the space and is leasing but would like to develop his own property. Dr. Call indicated that he plans to break ground on the property as soon as the zoning is approved. The process to acquire the property from UDOT took more than two years, so Dr. Call is eager to begin the next phase.

Mayor Jim Talbot opened the public hearing at 7:56 p.m.

Matt Russon, residing at 2127 Rifleman Drive, Farmington, Utah and owner of Russon Mortuary, voiced approval of the rezone. He further added that Dr. Call has made the process friendly and would make a great neighbor and business owner for Farmington.

Sheldon Peck, 471 Oakwood Place, is an Orthodontist practicing in Syracuse, but residing in Farmington. He expressed support for the rezone noting that Dr. Call has a good reputation as a dentist and suggested that if he is willing to buy the property from UDOT then he should be allowed to improve the property as stated.

Christian Murray, Hunters Creek subdivision of Farmington, expressed approval for the rezone.

Mayor Jim Talbot closed the public hearing at 8 p.m.

Motion:

Brett Anderson moved that the City Council approve the zone map amendment and enabling ordinance related thereto of .96 acres of property located at approximately 1875 North 1075 West from A and LR to NMU, as identified on the map in the staff report, subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The legal description must match the site plan submitted as part of a conditional use and site plan application;
2. The City shall vacate the 1875 North R.O.W. on the north end of the subject property prior to or concurrent with a conditional use and site plan application.

John Bilton seconded the motion which was approved unanimously.

Findings for Approval:

1. The proposed rezone is consistent with the General Plan.
2. The proposed rezone is consistent with the adjacent property to the north.
3. The proposed rezone and subsequent use is necessary and will provide benefit to the community.
4. The proposed rezone and subsequent use is not detrimental to the health, safety, and general welfare of the community.

Zone text Amendment for Chapter 18 including Regulating Plan and Big Box Footprint Size

Eric Anderson offered that the City staff has considered removing the provision allowing for large footprint retail buildings (defined as greater than 20,000 s.f.) in the mixed-use districts. Following the UDA charrette, UDA recommended removing large footprint retail from Chapter 18. Large Retail Footprint (LRF) could be considered, but would have to apply under Section 140. This gives control back to City Council to determine which projects are best suited for Farmington. As the code currently reads, a big box retailer could come in and wanted to build in the mixed-use district, and as long as it meets city ordinances, the City has no recourse to deny the project. He noted that the Planning Commission moved unanimously to recommend the zoning amendment. By using Section 140, applicants would be required to present a project master plan of a minimum of 5 acres.

Eric Anderson explained that changes to the uses table and the development plan review section were to indicate that a building greater than 20,000 square feet is permissible, but not for a single retailer. **Brett Anderson** suggested capitalizing the words “retail” and “wholesale” so that “Retail and Wholesale sales individual tenant use” would become a defined concept rather than a collection of words.

John Bilton asked why the 20,000 square footage was chosen. **Eric Anderson** indicated that higher the square footage amount, the less discretion and flexibility is retained by the Council and noted that the 20,000 number was inherited from the existing code.

At 8:26 p.m. Mayor Jim Talbot opened the public hearing.

Lance Evans, 638 Compton Road, Farmington expressed opposition the zone text amendment. He argued that the change adds additional restrictions for property owners and developers to overcome. Evans provided examples of Trader Joes and Whole Foods, as desirable retailers that have store sizes larger than 40,000 square feet that could be hampered by having to go through the Section 140 process which he believes has more risk, because there are more unknowns through that process. Evans stated that there are already standards in place in the code and that Council has controls. He suggested that making the zone text amendment apply to single retailers larger than 50,000 square feet would make it easier for property owners to explore development with mid-size retailers.

Mayor Talbot closed the public hearing at 8:31 p.m.

Mayor Talbot asked about how much more difficult it is for projects to go through Section 140. **Eric Anderson** offered that in some ways it is easier as it is a shorter approval process. **John Bilton** indicated that there is more risk on the developer' side. He noted that this is a tricky time for Farmington as it chooses how to develop remaining acreage and the Council should be careful not to limit opportunities but keep in mind concepts of "work/play/live" with pedestrian and transportation friendly options.

Cory Ritz asked **Lance Evans** if he would rather see tightened standards in the form-based code or do what is proposed and use the Section 140 as an avenue to get to the desired result. **Lance Evans** said that allowing the flexibility to seek approval through the Section 140 process is fine, but that he disapproves of the proposed approach that anything above the arbitrary amount of 20,000 is an automatic "no." He further noted that it limits marketability because potential tenants are less sure about what has to be in place before plans can get approved. If the code outlined that anything over X amount requires certain landscaping or design standards it would be easier for property owners to get commitments from tenants.

Brett Anderson suggested that a mechanism be in place for staff to alert Council if an interested business wants to apply through the Section 140 process. **Dave Millheim** clarified that the mechanism is not written into the ordinance, but that current staff procedure would be to inform the Council of any project seeking approval under Section 140. **Cory Ritz** noted that staff and the council are doing more work to make sure what comes from Farmington is of quality and suggested that if the zone text amendment is approved, the Council should reevaluate the impact of the change after some period of time.

Motion:

John Bilton moved that the City Council approve the amendment to the zoning ordinance of Section 11-18-050 and 11-18-070 as set forth in the February 7, 2017 staff report and the enabling ordinance related thereto with the modification that "Retail" and "Wholesale" should be

capitalized in the Uses and Development Plan Review sections and that the Council shall review the efficacy of the amendment in 12 months.

Cory Ritz seconded the motion which was approved unanimously.

Findings for Approval:

1. Amending the Regulating Plan and related block size at the time of Project Master Plan provides the City with more detailed information as it relates to the plan for the area.
2. By posting the public hearing and tabling items (a) and (b), the City starts the process of amending the Regulating Plan and Section 11-18-040 and it starts the “pending legislation” process, giving the City more control over potential applications that may come in the future, but do not fit in with the ultimate plans for this district.
3. Amending Section 11-18-070 to remove large footprint retail buildings as a possibility allows the City more control over big box retail and whether or not to approve it. Currently, any big box retail can come into the mixed use district as long as they follow Section 11-18-070.
4. Staff feels that large footprint retail is antithetical to the purpose and intent of the form based code that governs the mixed use district, which is to *“encourage a diversity of uses that can respond to market forces while being consistent with a design that promotes a transit and pedestrian-oriented pattern of development.”*
5. If an applicant were to propose a large footprint retail building that the City desired, the applicant could potentially invoke Section 114 and deviate from the standards of Chapter 18 and receive approval for their building. In that circumstance, the decision to enter into a development agreement and allow the use of Section 114 would be purely legislative, and thus, discretionary.

Zone Map Amendment for 28 Acres located at 1110 W Park Lane

Dave Millheim clarified that this item was removed from the agenda at the applicant’s request; because the Public Hearing was already Noticed, it was left on the agenda, and pulling the item from tonight’s agenda does not mean that the Planning Commission’s recommendation is invalidated. The Planning Commission held a Public Hearing on this Zone Map Amendment and recommended denial of the rezone. Staff has discussed the item and have since met with the Mayor, the Evans’, and their broker. The property owners have pulled their application for the time being to work on a defined plan that will return to the Council for review at some point in the future. This item will not be required to be reviewed again by the Planning Commission, unless the plan presented to the Council is drastically different and the Council reserves its right to send the application back to the Planning Commission for review and recommendation.

The City will re-notice the Public Hearing in front of the City Council.

SUMMARY ACTION:

1. **Pregnancy Light Duty Policy**
2. **2017 Municipal Elections Agreement**
3. **Hunters Creek Conservation Easement Amendment Request**
4. **Approval of Minutes from 1/3/17**
5. **Approval of Minutes from 1/17/17**

Mayor Talbot reviewed the summary action. **Dave Peterson**, City Development Manager, noted that the Hunters Creek Conservation Easement Amendment Request should be considered outside of summary action so that staff may provide an update.

Motion:

Brett Anderson moved, with a second from **John Bilton** to remove the Hunters Creek Conservation Easement Amendment Request from the summary action and consider only items 1, 2, 4 and 5 for summary action.

The motion was approved unanimously.

Motion:

Brett Anderson moved, with a second from **Cory Ritz**, to approve summary action items 1, 2, 4 and 5 as contained in the staff report.

The motion was approved unanimously.

Hunters Creek Conservation Easement Amendment Request

Dave Peterson met with James Creer from the Hunters Creek HOA and they would like to strike the words “fire pit” from Note 15 of the Hunters Creek Conservation Easement Amendment Request.

Cory Ritz moved, with a second from **John Bilton**, to approve the Hunters Creek Conservation Easement Amendment, removing the words “fire pit” from Note 15.

The motion was approved unanimously.

Motion:

John Bilton moved, with a second from **Brett Anderson**, to move Hughes Property General Plan Amendment to be the next order of business. The motion was approved unanimously.

OLD BUSINESS:

Hughes Property General Plan Amendment

Mayor Jim Talbot suggested that the Hughes Property General Plan Amendment should be tabled until the next Council meeting when all Council members will be present so those Council members living in the area could weigh in on the issues.

Motion:

Brett Anderson moved to table Hughes Property General Plan Amendment until the Council meeting scheduled for February 21, 2017.

John Bilton seconded the motion which was approved unanimously.

DISCUSSION ITEMS:

Preliminary Parking Lot Configurations

In September 2016 the City purchased property from the Wheeler family that abuts City Hall to the south. The intent was to eventually expand the parking lot and increase circulation around City Hall. Staff was directed to do some preliminary parking lot configurations showing different possible configurations. Staff presented the preliminary parking lot configurations to get City Council feedback and recommendations for next steps.

Councilmembers briefly discussed the pros and cons of each option as outlined. They further expressed appreciation for **Eric Anderson** and other Staff for the good work done by presenting the options for the property. **Dave Millheim** suggested that the preliminary parking lot configurations will be brought before the City Council at such a time as necessary.

GOVERNING BODY REPORTS:

City Manager Report

Dave Millheim did not present from a written report, but wanted to pass along some concerns from a resident with an extension agreement. The SAA was not approved, but City Council previously moved to call the extension agreements of three properties that are impacted by the initial section of road built. The initial extension agreements did not include costs associated with the sidewalk. All affected residents are benefiting from the TIGER Grant from the U.S. Department of Transportation to cover the costs of the sidewalk. The concerned resident has paid all necessary fees save for one last remaining payment and is requesting once the other extension agreements are called the Council would consider lowering her fees consistent with impacts on the other property owners.

Dave Millheim confirmed that on recommendation of the Council, the City would put the resident's last payment on hold until such time as the council finalizes other extension agreements; if the amount owed by each property owner goes down once final bids, fees, and General Fund contributions are considered, then the payments will be reduced proportionally to three (3) impacted property owners.

Mayor Talbot & City Council Reports

Councilmember John Bilton

John Bilton asked about clarification regarding the demolition letter received from Lagoon and whether or not that issue would come before the Council. Staff stated that the issue would only come before the Council if Lagoon were to not comply with the existing ordinance.

John Bilton had a request from resident Hannah Palomares to enquire about the possibility of the Lagoon shuttle servicing Farmington Jr. High. This would assist approximately forty students. **Dave Millheim** reported a meeting scheduled with UDOT on February 8 at 3 p.m. and instructed Ms. Palomares to provide him with additional information via email to discuss with UDOT. He related that the shuttle has to align with the Frontrunner schedule, but would look into servicing the junior high.

John Bilton summarized a complimentary letter from a Kaysville resident regarding Farmington City snow removal and the good work of City crews.

Councilmember Cory Ritz

Nothing to report.

Councilmember Brett Anderson

Brett Anderson relayed concerns of city residents living west of the Davis County Fairgrounds and getting parking tickets for utilizing on-street parking during the winter. Staff reported that parking on the street is in violation of winter parking ordinances and is necessary to ensure that emergency vehicles and snow plows are not impeded.

Mayor Jim Talbot

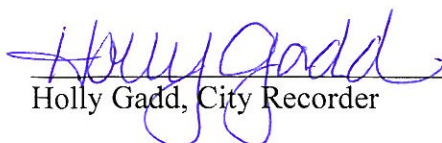
Mayor Jim Talbot provided a summary of a meeting between mayors and city managers of Farmington, Fruit Heights, Kaysville and Layton. The topic was a preliminary discussion regarding the forming of a Fire District. It was a civil conversation and the next steps will be have a combined meeting of the Fire Chiefs to explore the opportunity further.

Additionally, **Mayor Jim Talbot** reminded Councilmembers about the upcoming Utah League of Cities and Towns Midyear Convention April 5-7 in St. George. If Councilmembers are interested in attending, please let staff know.

ADJOURNMENT

Motion:

At 9:52 p.m., **Brett Anderson** made a motion to adjourn the meeting. **Cory Ritz** seconded the motion which was unanimously approved.


Holly Gadd, City Recorder

Posted 02/24/2017